

**REMARKS**

Claims 1-2 are pending. No claims are allowed.

New claims 3-81 have been added which also particularly point out and distinctly claim subject matter regarded as the invention. Claims 28-29 are *In re Beauregard* versions of corresponding method claims 1-2, respectively. Claims 55-56 are means plus function versions of corresponding method claims 1-2, respectively. Applicant believes new claims 3-81 are fully supported by the Specification and comply with 35 U.S.C. § 112 and all other statutory requirements.

The First 35 U.S.C. § 102 Rejection

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by McIntyre.<sup>1</sup> This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.<sup>2</sup>

The Office Action states that McIntyre discloses all of the claimed elements. However, each and every element as set forth in the present claims are not found McIntyre. Furthermore, the various combinations of elements proposed by the Office Action are never arranged by McIntyre in the same manner as proposed by the Office Action or as required by the present claims.

<sup>1</sup> USP 6,178,546 B1.

<sup>2</sup> Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1

Claim 1 recites:

A method for downloading code to a resource-constrained computer, the code being separable into at least one package having at least one referenceable item, comprising:  
forming the package;  
forming a mapping of the referenceable item to a corresponding token; and  
providing the package and the mapping.

The present invention supports and discloses, through explicit examples, the meaning of "tokens".<sup>3</sup>

The McIntyre reference discloses a description file that contains declarations of tokens global to the rest of the file and target declaration entries for the current directory.<sup>4</sup> Tokens are of the form: "token>value", where both the token name and the token value appear side-by-side in the same file.<sup>5</sup> Target entries are used to describe items to be built, packaged or installed by a make generation tool.<sup>6</sup> Thus, McIntyre discloses using tokens and their associated token values to specify *how* to package target entries. Nowhere in McIntyre does it teach *forming a mapping of the referenceable item to a corresponding token*. Given this difference, McIntyre can not be said to anticipate claim 1. Accordingly, the Applicants respectfully request the rejection to claim 1 be withdrawn.

<sup>3</sup> Specification at p. 13 lines 7-12 and FIGS. 4A-9C.

<sup>4</sup> McIntyre at col. 2 lines 20-22.

<sup>5</sup> Id. at col. 2 lines 23-24, col. 4 lines 5-10, 30-35 and 47-64, col. 5 lines 8-28 and 41-59.

Claim 2

Claim 2 recites:

A method for linking code downloaded to a resource-constrained computer, the code being separable into at least one package having at least one referenceable item, comprising:  
receiving the package;  
receiving a mapping of the referenceable item to a corresponding token; and  
linking the package using the mapping.

Claim 2 includes limitations that are similar to claim 1. Thus, the arguments made for claim 1 apply here as well and McIntyre can not be said to anticipate claim 2. Accordingly, the Applicants respectfully request the rejection to claim 2 be withdrawn.

The Second 35 U.S.C. § 102 Rejection

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Kyle.<sup>7</sup> This rejection is respectfully traversed.

Again, each and every element as set forth in the present claims are not found Kyle. Furthermore, the various combinations of elements proposed by the Office Action are never arranged by Kyle in the same manner as proposed by the Office Action or as required by the present claims.

Claim 1 recites in part:

forming a mapping of the referenceable item to a corresponding token

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<sup>6</sup> Id. at col. 2 lines 25-26

The Office Action contends that Kyle discloses forming a mapping of the referenceable item to a corresponding token. The Office Action cites the following in support of this contention:

FIG. 4 shows a block diagram of a second embodiment of a system according to the invention for transferring and interpreting data. A local computer 404 is in communication with a host computer 400 over a communication link 408. The host computer 400 has a plurality of executable instructions 416 and a plurality of data items 420. The local computer 404 requests a particular data item from the host computer 400. The host computer assembles and transmits a data package 412 comprising the requested data item and its corresponding executable instructions.<sup>8</sup>

Nowhere in Kyle does it teach using a "token". Furthermore, nowhere in Kyle does it teach forming a *mapping* of the referenceable item to a corresponding token. Since these elements are not taught by the cited reference, Kyle cannot be said to anticipate claim 1. Accordingly, the Applicants respectfully request the rejection to claim 1 be withdrawn.

Claim 2 includes limitations that are similar to claim 1. Thus, the arguments made for claim 1 apply here as well and Kyle can not be said to anticipate claim 2. Accordingly, the Applicants respectfully request the rejection to claim 2 be withdrawn.

#### The Third 35 U.S.C. § 102 Rejection

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Houha et al.<sup>9</sup> This rejection is respectfully traversed.

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<sup>7</sup> USP 6,141,681.

<sup>8</sup> Kyle at col. 3 lines 55-65.

Again, each and every element as set forth in the present claims are not found Houha et al. Furthermore, the various combinations of elements proposed by the Office Action are never arranged by Houha et al. in the same manner as proposed by the Office Action or as required by the present claims.

Claim 1 recites in part:

A method for downloading code to a resource constrained computer, the code being separable into at least one package having at least one referenceable item

In support of its contention that the “headers” in Houha et al. disclose a referenceable item, the Office Action indicates the “headers” as disclosed in Houha et al. are used to identify how the data is to be used by respective targets.<sup>10</sup> However, the header in Houha et al. merely indicates the *sizes* of various sections which follow in the load package.<sup>11</sup> Furthermore, nowhere in Houha et al. does it teach forming a mapping of the header to a corresponding *token*.

Claim 1 also recites in part:

forming a mapping of the referenceable item to a corresponding token

The Office Action contends that Houha et al. discloses forming a mapping of the referenceable item to a corresponding token. It is important to note that nowhere in Houha et al. does it teach using a “token”. Rather, the Houha et al. reference discloses a dispatch table mapper which includes entries which map symbols to dispatch table entries in a terminal.<sup>12</sup> The dispatch table contains a pointer to the memory location in the operating system where the code

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<sup>9</sup> USP 5,734,822.

<sup>10</sup> Office Action ¶ 5.

<sup>11</sup> Houha et al., at col. 6 lines 50-52.

for a function starts.<sup>13</sup> The Houha et al. reference goes on to state "Instead of pointers to functions, actual jump or branch instructions may be used as the entries in dispatch table 310 to speed up processing".<sup>14</sup> A terminal loader receives a load package from a downloading source ... and resolves any remaining unresolved references, thus producing a prepared module ..."<sup>15</sup> Thus, Houha et al. teaches creating a linked piece of code targeted to a *specific terminal using absolute addresses*. This requires that the dispatch table be known to the terminal. Given these differences, Houha et al. cannot be said to anticipate claim 1.

Claim 2 includes limitations that are similar to claim 1. Thus, the arguments made for claim 1 apply here as well and Houha et al. can not be said to anticipate claim 2. Accordingly, the Applicants respectfully request the rejection to claim 2 be withdrawn.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

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<sup>12</sup> Id. at col. 5 lines 1-3.

<sup>13</sup> Id. at col. 5 lines 9-11.

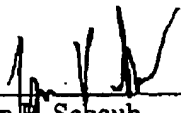
<sup>14</sup> Id. at col. 5 lines 25-27.

<sup>15</sup> Id. at col. 6 lines 34-41.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,  
THELEN REID & PRIEST LLP

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